

EXHIBIT 90

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
RHODE ISLAND, VERMONT, and
VIRGINIA,

Plaintiffs,

v.

DONALD TRUMP, in his official
capacity as President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY; ELAINE
C. DUKE, in her official capacity; U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
and the UNITED STATES OF
AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

Pursuant to 28 U.S.C. § 1746(2), Martin Shively hereby declares as follows:

1. I am over the age of eighteen and competent to testify.
2. I am the Associate General Counsel for the U.S. Immigration Team at Microsoft Corporation ("Microsoft"). I manage the team responsible for providing immigration advice and support for Microsoft's businesses and its visa-dependent employees and their dependent family members, and ensuring the compliance of our immigration programs in relation to all applicable laws and regulations. I have been employed in this capacity since 2016.
3. Microsoft employs more than 46,000 employees in the State of Washington, and more than 73,000 employees in the United States.
4. The pursuit of Microsoft's mission on behalf of our customers around the world creates a substantial business need for finding, developing and attracting the brightest and most promising talent from around the country and around the world. We place a high priority on having a diverse workforce that can reflect the global customer base we serve and an inclusive culture as part of our core values. Our products and services, and ultimately our customers, benefit from input and contributions that draw from the diverse backgrounds found among our employees.
5. Microsoft has numerous outreach and recruiting programs including our College and High School Intern programs as well as DigiGirlz and YouthSpark which are designed to identify, attract and develop the most promising young talent in the country. Some of these programs are designed as direct recruiting programs and others are designed to increase interest in technology and computing more generally.
6. Microsoft's Global Talent Acquisition and HR organizations invest deeply in attracting and retaining the best employees to support our business strategies and our customers. Given the persistent demand for high skilled talent and the tightness of the labor supply for professionals in our industry, the costs of recruiting employees are high. Unanticipated turnover is incredibly disruptive to business plans.
7. Microsoft is currently aware of 39 beneficiaries of DACA that are employees or current or recent interns. These employees and interns were encouraged by Federal authorities to

identify themselves and apply for DACA status to avail themselves of discretionary deferred action and the benefit of employment authorization documents.

8. These DACA beneficiaries are working across a range of Microsoft's business divisions, developing the next generations of Microsoft products and services. We have DACA beneficiaries in the Office Products Group, which produces our industry-leading suite of productivity apps; the Windows and Devices Group, which is responsible for the software platform, apps, games, store and devices that power the Windows ecosystem; the Cloud & Enterprise Group, which builds the infrastructure software and developer tools that power our cloud platform and services; the Artificial Intelligence and Research Group, which drives our strategy for artificial intelligence and forward-looking research and development; and LinkedIn, our online professional network designed to help members find jobs, connect with other professionals, and locate business opportunities. DACA beneficiaries are also employed in positions within our Finance organization as well as our Worldwide Commercial Business and Retail divisions, which engage directly with our customers.
9. Microsoft invested in some of the DACA beneficiaries before they joined the company as full-time employees through various Microsoft programs designed to identify and develop the country's most promising talent including our DigiGirlz and YouthSpark programs.
10. Microsoft's intern program—in which some of these DACA beneficiaries have participated—is a key mechanism by which Microsoft's businesses identify and attract the world's top students.
11. While our DACA employees are generally early in career, their accomplishments, impact in their teams and promise for the future reflect their significant value to the company and our communities. They are Software Engineers helping advance the development of our cloud services and collaboration tools—products and services that are fundamentally changing the landscape of productivity and work across the Fortune 1000, small and medium-sized businesses, and startups. They are supply chain experts forecasting hardware inventory requirements. They are Retail sales associates connecting consumers with the value of our products and services. They are Financial Analysts supporting our businesses. Those who are employed at LinkedIn are in core positions, including product and engineering roles, with responsibilities that directly contribute to the organization's mission to connect the world's professionals to make them more productive and successful. Together, our DACA employees are contributing directly to the way businesses and individuals are pursuing digital transformation and their ability to re-envision their business models and embrace new, more effective ways of engaging their own customers and empowering their own employees, and transforming their own products. In short, these individuals are an integral part of the fabric of Microsoft's business today and our collective mission to empower every person and organization on the planet to achieve more.

12. The loss of DACA work authorization for these employees will disrupt projects and deliverables within the Office Products Group, the Windows and Devices Group, Cloud & Enterprise, the Artificial Intelligence and Research Group, LinkedIn, Finance, World-Wide Commercial Business, and the Retail division. Microsoft will incur tens of thousands of dollars in recruiting costs to replace employees lost by the revocation of DACA, involving expenditures in talent sourcing and lead generation, recruiter assessments, and team interviews. In addition, the loss of DACA employees would create business delays and disruptions for our teams as they adjust to the loss of valuable, trained and impactful employees.
13. Microsoft's investment in those who participated in our intern program will be lost with the rescission of the DACA program.
14. In addition to the direct cost to Microsoft businesses to attract, recruit and hire employees, the loss of our DACA employees would cause the company to lose its investments in training and career development for these individuals. Microsoft will also lose the potential for these employees to make significant future contributions over the course of their careers. The Microsoft community will suffer the loss of community with these dynamic, driven and bright DACA beneficiaries. Finally, the rescission of DACA will affect Microsoft's ability to recruit the most talented, qualified employees in the future. Once DACA is rescinded, beneficiaries of the program will no longer be able to take advantage of the educational and training opportunities available through our nation's educational system, through internships and outreach programs (such as those described above), and through on-the-job training in the U.S. technology sector. This will shrink the pool of available talent available to companies like Microsoft, and ultimately harm the competitiveness of the U.S. technology sector.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 5th day of September, 2017.


Martin Shively